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February 17, 2006

**BY ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re: Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, WT Docket 03-66**

Dear Ms. Dortch:

On February 16, 2006, representatives from Sprint Nextel Corporation (Sprint Nextel) met with representatives from the Federal Communications Commission.<sup>1</sup> As described in the attached presentation, Sprint Nextel described the company's commencement of the 2.5 GHz band transition in Washington, DC and Kansas City, KS and relayed feedback from transitioning licensees about the 2.5 GHz transition process.

Sprint Nextel then identified specific areas where, as indicated in the company's pending petition for reconsideration, additional clarification would prove helpful for both proponents of the 2.5 GHz transition and the transitioning licensees.

- **Licensee Contact Information.** All licensees have a regulatory obligation to maintain their contact information with the Commission.<sup>2</sup> If a proponent works diligently to find a licensee eligible for transition, but the transitioning licensee still cannot be found, then the proponent should have no further obligation to relocate that licensee. Sprint Nextel's due diligence to identify eligible licensees typically includes: (1) mailing a pre-transition data request (PTDR) to a licensee's address of record on file with the Federal Communications Commission; (2) following up with at least two phone calls to the last known contact of record; and (3) performing an internet search to identify any known forwarding or other address. If a proponent performs this level of due diligence, but still cannot identify a licensee's point of contact, then the proponent should be under no further obligation to transition that licensee.
- **Deadline for PTDR Responses.** All licensees have an obligation to participate in the transition of the 2.5 GHz bandplan to its new configuration. The Commission adopted rules governing the transition process in 2004 and licensees have now had more than a year-and-a-half to prepare for the transition. Requiring affected licensees to provide basic information about their system parameters within twenty-one days of receipt of the PTDR is entirely reasonable given the long run-up to the transition process and the continuing obligation of

<sup>1</sup> Kanwar-Preet Jolly, Christopher Holt, Michael Denny, and Trey Hanbury represented Sprint Nextel. Nancy Zaczek, Uzoma Onyeije, John Schauble, Henry Allen, Mary Schultz attended the meeting from the Commission's Wireless Telecommunications Bureau.

<sup>2</sup> See, e.g., 47 C.F.R. § 1.5(a)-(b) ("Each licensee shall furnish the Commission with an address to be used by the Commission in serving documents or directing correspondence to that licensee . . . The licensee is responsible for making any arrangements which may be necessary in his particular circumstances to assure that Commission documents or correspondence delivered to this address will promptly reach him or some person authorized by him to act in his behalf.").

licensees to stay apprised of their operating parameters. If a licensee does not respond to a PTDR within twenty-one days of receipt, then that licensee should be deemed to have consented to the transition and/or be deemed ineligible for a proponent-funded transition.

- **Information Necessary for Transition.** All 2.5 GHz licensees have an obligation to cooperate in the 2.5 GHz transition process. While a proponent is required to ask for specific information about transmitter and receive site data, a proponent will also routinely require additional information to ensure proper staffing on the day of installation, to manage the supply chain, and to plan the comprehensive transition process. Subject to confidentiality where needed, licensees should be reminded of their duty as Commission licensees to fully cooperate in sharing any available information about the specific make and model of their equipment as well as other, related information about their operations reasonably needed by the proponent to reduce transition expenses, manage transition staffing, and accelerate the transition process.
- **Confidentiality of Transition Responses.** All licensees have an interest in protecting the confidentiality of proprietary information. While the Commission directs proponents to share information with other licensees involved with the transition process, only transmitter data is truly relevant to the process of identifying and resolving potential interference. Some transitioning licensees have indicated that if a competitor knew the transitioning licensees' receiver locations, a competitor could try to target the transitioning licensees' customers for a new service offering. To prevent customer "poaching," proponents should share only transmit site data among transitioning licensees.
- **Limitation of Liability.** All licensees have a strong interest in avoiding uncertainty over the legal consequences of mishaps involved in the transition process. Transitioning licensees in other bands have traditionally entered contracts with transition proponents to, among other things, manage liability in the event that other systems unrelated to the transition process fail. Individual contracts to prevent after-the-fact liability disputes are standard in other transitions and are reasonable here.
- **Reinstated Licenses.** Only licenses in existence at the time of the PTDR should be eligible for cost-free transition. An expired or revoked license that is reinstated during or after the transition process has commenced should not be eligible for transition.

As described in its petition for reconsideration and as reiterated here, the Commission should adopt a variety of intermediate milestones, deadlines, and rule clarifications to ensure that the five-stage transition process to the new bandplan proceeds quickly. Resolving certain ambiguities and procedural infirmities now will avoid costly and time-consuming disputes later.

Please associate this submission with the above-referenced docket.

Sincerely,

A handwritten signature in black ink, appearing to read "Trey Hanbury", with a stylized flourish at the end.

Trey Hanbury, Esq.  
Director, Sprint Nextel Corporation

CC: Nancy Zaczek, Uzoma Onyeije, John Schaulble, Henry Allen, Mary Schultz, Joel Taubenblatt, Catherine Seidel